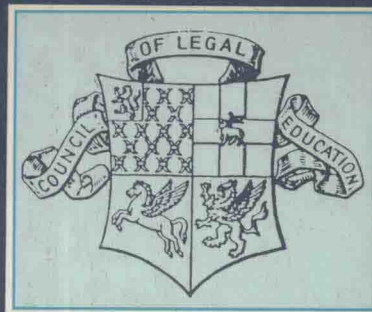


1993/94

INNS OF COURT



SCHOOL OF LAW

REMEDIES & PRACTICAL BACKGROUND

PUBLISHED BY BLACKSTONE PRESS LIMITED

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REMEDIES AND PRACTICAL BACKGROUND

Inns of Court School of Law



 **BLACKSTONE
PRESS LIMITED**



First published in Great Britain 1992 by Blackstone Press Limited,
9-15 Aldine Street, London W12 8AW. Telephone 081-740 1173

© Council of Legal Education, 1992

First edition 1992
Second edition 1993

This title was originally published as sections of two Manuals: *Professional Conduct and Practical Background*; and *Civil Litigation and Remedies*.

ISBN: 1 85431 276 6

British Library Cataloguing in Publication Data
A CIP catalogue record for this book is available from the British Library.

Typeset by Style Photosetting Limited, Mayfield, East Sussex
Printed by Loader Jackson Printers, Arlesey, Beds

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**REMEDIES AND
PRACTICAL BACKGROUND**



Foreword

These Manuals are published in conjunction with the Vocational Course for the Bar which is run at the Inns of Court School of Law. The course, which was introduced in 1989, was specifically designed to equip students with the procedural and evidential knowledge and the practical skills they will need to start their professional careers. It is gratifying to find that this course has been greeted as a major step forward in legal vocational training, and that it has attracted substantial interest.

These Manuals have been produced specifically to support this course, and they have been written both by teaching staff at the Inns of Court School of Law and by a range of members of the Bar. The Manuals are designed to cover all the areas of skill and knowledge which research showed were important for the new practitioner, and the emphasis throughout is on the practical, professional approach. Although the Manuals are produced for a specific course, their range is such that they should be of interest to all those concerned with legal training.

The Manuals are revised annually, to keep them up-to-date, and to improve content with the benefit of experience and of the many useful comments made by practitioners and by students. The development of legal vocational training can only be an ongoing process for all those concerned in achieving and maintaining high standards, and further comments are always welcome. Such comments may be addressed either to the Dean or the Course Director at the Inns of Court School of Law.

The enthusiasm of the staff of Blackstone Press Ltd and their efficiency in arranging the production and publication of these Manuals is much appreciated.

*The Hon. Mr Justice Phillips
Chairman of The Council of Legal Education
September 1993*

Introduction

Virtually everybody who picks up this Manual for the first time will have had previous, perhaps considerable, experience of the study of the law. However, since there is no standardisation of legal education, it is quite possible that many students will, so far, have approached the law from a largely academic premise. Others may have followed courses which have a more practical orientation, but which have perhaps still not centred primarily on the client and the client's needs.

The vocational course taught under the auspices of the Council of Legal Education is, however, designed to prepare the aspiring barrister to put the client at the centre of all work, in terms of trying to achieve all the client wants, and taking all the aspects of the case into account, and this Manual has been prepared with that purpose in mind.

The first part of this Manual deals with remedies. When the substantive law is taught at the academic stage, remedies often come towards the end of the course, or are treated as less important than general legal principles, or are even omitted altogether (though certain courses are notable exceptions). In the working life of the professional barrister this is effectively reversed, and remedies come first. The client wants to achieve particular objectives, and the barrister's job is to try to achieve them. For the practitioner the remedy comes first, and legal principles are simply used to justify the remedy sought. It is therefore important that the barrister should have a thorough, practical working knowledge of all the remedies that may be available, and the materials in this Manual provide a basis for this.

The second part of this Manual covers those areas of which it is thought any barrister should have a general overview. The point is not that every barrister needs to know all these areas in great academic detail, but rather that these areas may come up in almost any type of practice, and therefore every barrister should at least be sufficiently conversant with the law to spot that there is an issue, and to know how to set about dealing with it. The materials in the Manual set out not simply to give a general academic outline of the area, but to approach each area practically, seeking to highlight those points of particular importance to the barrister.

The areas of revenue law, business associations and accounts are covered in some detail because of their relevance to many types of case. There is an outline on conflict of laws, and notes on social security and legal aid (insofar as this is not covered by the litigation courses).

Whatever type of practice a barrister has, there are a number of areas of which he or she will need some knowledge in order to have a complete, practical overview of a case. Whatever area of law a case is basically founded in, other areas of law may impinge, and do so in a way that is not obvious to the unwary.

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